

**BY ORDER OF THE COMMANDER  
JOINT BASE MCGUIRE-DIX-  
LAKEHURST**

**JOINT BASE MCGUIRE-DIX-LAKEHURST  
INSTRUCTION 51-1**

**3 AUGUST 2015**

**Law**

**PUBLICATION TITLE: SHOPLIFTING**



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This instruction describes the principles and procedures by which Joint Base McGuire Dix Lakehurst (JBMDL) asserts and collects claims for damage to the Army and Air Force Exchange Service (AAFES) and Defense Commissary Agency (DECA) resulting from the wrongful act of shoplifting. It provides guidance for the collection of claims resulting from shoplifting incidents under authority of AFJI 34-211, *Army and Air Force Exchange Service General Policies* and the Federal Claims Collection Act. It applies to individuals apprehended for shoplifting at AAFES facilities and the Commissary at JBMDL, NJ. AAFES, DECA, Security Forces, and Judge Advocate base-level organizations at JBMDL are responsible for executing this program.

Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW with the Air Force Records Information Management System (AFRIMS) located at <https://www.my.af.mil/gcss-af61a/afirms/afirms/>. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through the appropriate functional's chain of command.

**SUMMARY OF CHANGES**

This document has been substantially revised and must be completely reviewed. Major changes include updated office symbols IAW the wing redesignation.

## 1. Program Authority.

1.1. Individuals committing the offense of shoplifting may be held liable to AAFES for (1) the value of the merchandise as damages, if the merchandise cannot be restored to the AAFES in its original condition; (2) additional damages, if any, arising from the incident, not to include any loss of time or wages incurred by the merchant in connection with the apprehension of the defendant; and (3) an administrative charge payable to AAFES in the amount of \$200.00. A parent, guardian or other person having legal custody of a minor who commits the offense of shoplifting shall be liable to AAFES/DECA for the damages specified above.

## 2. DECA/ AAFES Responsibilities.

### 2.1. DECA Responsibilities.

2.1.1. Should DECA employees suspect an individual of shoplifting or that an incident of shoplifting has occurred, the employee should immediately notify Security Forces. DECA employees do not have independent authority to detain individuals suspected of shoplifting.

### 2.2. AAFES Responsibilities.

2.2.1. Upon detention of an individual suspected of shoplifting (hereinafter referred to as "subject"), determine the amount of actual damages sustained by the shoplifting incident. The "actual damages sustained" means the retail price of the item the subject stole or attempted to steal *if the item is unfit or unavailable for sale subsequent to the theft*. If the item is recovered and available for resale, there are no actual damages.

2.2.2. When a shoplifting occurs, complete and hand deliver or mail via certified mail to the subject or their sponsor:

2.2.2.1. A first payment demand letter (**Attachment 2**), which clearly states the claimed amount. If merchandise is recovered and is available for sale, the amount claimed will be: the difference between the full retail value and the reduced sale value, plus an administrative charge of \$200.00. If the merchandise is lost or otherwise cannot be sold, the amount claimed will be the full retail value of the merchandise, plus an administrative charge of \$200.00. This demand letter must also include a statement that if the debt is not paid in full by a date certain (determined to be 30 days after the date the first demand letter was hand delivered or sent via certified mail), the AAFES store manager will be required to notify the unit commander of the debt. In addition, the demand letter must state that the military sponsor's check cashing and any Military Star card privileges will be suspended until the debt is either paid or waived.

2.2.2.2. A second demand letter will be sent if the first demand letter does not result in full payment of the debt within 14 days after the first demand letter was sent by hand delivery or via certified mail. The second demand letter must contain the same information provided in paragraph 2.2 above.

2.2.2.3. A completed payment receipt (**Attachment 3**) demanding payment for the damages within 20 days, must accompany each demand letter.

2.2.2.4. The acknowledgment of receipt of apprehension letter (**Attachment 4**).

2.3. Inform Security Forces of any known aggravating circumstances and the subject's history of prior shoplifting detentions at the Base Exchange/Commissary if known.

2.4. Inform 87 ABW/JA whether subject has or has not made payment in satisfaction of the demand letter.

### 3. Security Forces Responsibilities.

3.1. The responding law enforcement officer shall take the following actions:

3.1.1. Respond to AAFES/DECA shoplifting complaints when requested. AAFES/DECA security personnel will accomplish AF Form 1168, *Statement of Suspect/Witness/Complaint*, for the responding Security Forces.

3.1.2. If the subject is a minor, attempt to locate a sponsor or guardian in the store area. If attempts fail, contact the sponsor's residence and request he/she respond to the incident location. Juvenile names will not be transmitted over the radio.

3.1.3. Review the closed circuit television videotapes, if any, to ensure the subject detained is the same individual observed on the tapes. Seize videotape via AF Form 52, *Evidence Tag*. Ensure the tab is removed from video to prevent erasure. If an AAFES/DECA employee directly observed the shoplifting, ask the employee to identify the subject and describe the events leading to the detention.

3.1.4. If there is a reasonable basis for believing the subject stole AAFES/DECA property: For active duty military - apprehend and transport the subject to the law enforcement desk and notify the subject's first sergeant or unit commander; for civilians - process paperwork and give citation on scene, and then release the individual.

3.1.5. Inform the subject of his or her rights under Article 31 of the Uniform Code of Military Justice (active duty military) or under the Fifth Amendment of the U.S. Constitution (all others) using AF Form 1168. If the subject is a minor, advisement of rights should take place in the presence of the sponsor, parents, or a witness prior to asking any questions.

3.1.6. Describe evidence fully on AF Form 52 and AF Form 3545, *Incident Report*. Security Forces will retain stolen article(s).

3.1.7. Request all witnesses to the incident complete an AF Form 1168.

3.1.8. Security Forces Reports and Analysis Section will coordinate with 87 MSG/CC on all AAFES/Commissary privilege suspensions.

3.1.9. Hand adult subjects written notice of preliminary suspension of AAFES/Commissary privileges, if approved by the 87 MSG/CC. If the subject is a minor, deliver the written notice to the minor's sponsor or parent.

3.1.10. Security Forces will seize subject's DD Form 1173, *Uniformed Services Identification and Privilege Card*, (for all dependents) via AF Form 52, "No AAFES/DECA Privileges" will be typed/stamped on the AF Form 52 so the individual(s) can't use the AF Form 52 to enter other AAFES facilities. Ensure the subject receives a copy of the AF Form 52 since it will serve as a temporary ID card until a new card is issued at Military Personnel Flight. ID cards of active duty, reservists, and retired personnel will not be seized.

3.1.11. Complete an AF Form 3545 for every case.

3.1.12. Release the subject upon completion of processing. Active duty military personnel should be released to their first sergeants or commanders. All others, with the exception of minors, will be released on their own recognizance. Minors should be released to a custodial parent or guardian, if one can be found.

3.2. Within seven days of the incident, deliver to 87 ABW/JA a copy of any description of aggravating circumstances, any criminal record, the incident report, and the preliminary suspension letter.

3.3. Within seven days of the incident send the adult subject or sponsor or guardian of a minor subject, a copy of the incident report.

#### **4. 87 MSG/CC Responsibilities.**

4.1. If a hearing pursuant to AFJI 34-211 is requested:

4.1.1. Review the evidence and determine if the preponderance of the evidence supports the suspension of AAFES/DECA privileges. If suspension is not justified, withdraw the preliminary suspension.

4.1.2. In all other cases, keep the suspension of AAFES/DECA privileges in place.

4.1.3. If the subject has committed another shoplifting offense within the past 5 years, permanently revoke privileges with reinstatement possible after 24 months, provided the subject fully pays the restitution.

#### **5. 87 ABW/JA Responsibilities.**

5.1. Act in accordance with the United States Attorney's Office and 87 ABW/JA guidelines in prosecuting shoplifting cases for those individuals 18 or over.

5.2. If subject is convicted, inform the Court whether subject has or has not paid the Civil Recovery damages.

JAMES C. HODGES, Col, USAF  
Commander, Joint Base McGuire Dix Lakehurst

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

**AFJI 34-211**, *Army and Air Force Exchange Service General Policies*, 30 Jul 2008

**AFMAN 33-363**, *Management of Records*, 01 Mar 2008

***Prescribed Forms***

None

***Adopted Forms***

**AF Form 52**, *Evidence Tag*

**AF Form 847**, *Recommendation for Change of Publication*

**AF Form 1168**, *Statement of Suspect/Witness/Complaint*

**AF Form 3545**, *Incident Report*

**DD Form 1173**, *Uniformed Services Identification and Privilege Card*

***Abbreviations and Acronyms***

**AAFES**—Army and Air Force Exchange Service

**AFMAN**—Air Force Manual

**AFRIMS**—Air Force Records Information Management System

**DECA**—Defense Commissary Agency

**IAW**—In Accordance With

**JBMDL**—Joint Base McGuire Dix Lakehurst

**NJ**—New Jersey

**OPR**—Office of Primary Responsibility

## Attachment 2

## DEMAND FOR PAYMENT OF DAMAGES LETTER

## Figure A2.1. Demand For Payment of Damages Letter

\_\_\_\_\_  
(Date)

MEMORANDUM FOR \_\_\_\_\_

FROM: STORE MANAGER  
JOINT BASE MCGUIRE DIX LAKEHURST EXCHANGE OFFICE/COMMISSARY  
MCGUIRE AFB, NJ 08641

SUBJECT: Demand for Payment of Damages Subsequent to Apprehension for Shoplifting

1. You have /Your dependent (...name...) has been apprehended for shoplifting at the Joint Base McGuire Dix Lakehurst Exchange and I have made an administrative determination that civil restitution is appropriate in your case. A copy of the incident report evidencing your civil liability will follow this letter.

2. In accordance with federal law and regulation, AAFES/DECA hereby demands that you pay damages in the amount of \$\_\_\_\_\_.

For shoplifting and retail thefts, federal law and regulation provide:

A person who commits the offense of shoplifting or a person who commits the offense of theft by stealing food or drink from an eating establishment, shall be liable for any criminal penalties imposed by law and shall be liable to the merchant in an amount equal to the following:

(1) The value of the merchandise as damages, not to exceed \$500.00, if the merchandise cannot be restored to the merchant in its original condition;

(2) Additional damages, if any, arising from the incident, not to include any loss of time or wages incurred by the merchant in connection with the apprehension of the defendant; and

(3) An administrative charge payable to the merchant in an amount of \$200.

3. You must return the attached payment receipt with your check or money order to the address listed on the payment receipt within twenty (20) calendar days from the date of this letter, at which time AAFES/DECA will provide you with a release from further civil liability.

4. If the entire debt remains unpaid for 30 days after the date the demand letter was hand delivered or sent via certified mail, the AAFES store manager will be required to notify the unit commander of the debt. Your military sponsor's check cashing and any Military Star card privileges will be suspended until the debt is either paid or waived.

5. You may ask the AAFES store manager to review this debt by writing to the store manager at the address shown above, within 30 days from the date of this letter.

Store Manager, Joint Base McGuire Dix Lakehurst Exchange/Commissary

Attachment: Payment Receipt

**Attachment 3  
PAYMENT RECEIPT**

**Figure A3.1. Payment Receipt**

(Enclose this with your payment and mail or deliver to the address below)

TO: STORE MANAGER  
JOINT BASE MCGUIRE DIX LAKEHURST EXCHANGE OFFICE/COMMISSARY  
MCGUIRE AFB, NJ 08641

SUBJECT: Demand for Payment Subsequent to Apprehension

Attached is my payment of \_\_\_\_\_ as damages from the  
shoplifting incident, which occurred at Joint Base McGuire Dix Lakehurst Exchange/Commissary on  
\_\_\_\_\_.

Name of person making payment: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Received payment on \_\_\_\_\_ by \_\_\_\_\_  
(Date) (Sign and print name)

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To be completed by store manager only when full payment has been received.

You are hereby released from further civil liability for the shoplifting incident, which occurred at  
Joint Base McGuire Dix Lakehurst on \_\_\_\_\_. This is not a release for potential  
criminal liability.

(Date of incident)

\_\_\_\_\_  
(Sign and print name)  
AAFES STORE MANAGER

\_\_\_\_\_  
(Date)

**Attachment 4**  
**ACKNOWLEDGEMENT OF RECEIPT**

**Figure A4.1. ACKNOWLEDGEMENT OF RECEIPT**

MEMORANDUM FOR STORE MANAGER  
JOINT BASE MCGUIRE DIX LAKEHURST EXCHANGE OFFICE/COMMISSARY  
MCGUIRE AFB, NJ 08641

FROM: \_\_\_\_\_  
(Suspected Shoplifter)

SUBJECT: Acknowledgment of Receipt

I hereby acknowledge receipt and understanding of demand for payment of damages letter on

\_\_\_\_\_

\_\_\_\_\_  
(Signature)